IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1611 OF 2007

1. Vijay Madhukar Naik,
2. Shatrajit Madhukar Naik,
3. Sou.Vithabai Madhukar Naik,
4. Sou.Bebibai Anant Patil,
5. Sou.Sangeeta Harschandra Patil,
6. Sadanand Sukir Mhatre. ... Applicants.

V/s.

1. The State of Maharashtra,
2. Smt.Yogita Vijay Naik. ... Respondents.

Rahul Thakur for the applicants.
Ms.M.H.Mhatre, APP for the State.
Mrs.Deepa Sawant for respondent No.2.

CORAM: V.C.DAGA, J.

DATED: 9th August 2007.

P.C.:

. Heard learned counsel for the applicants, learned counsel for respondent No.2- complainant and learned A.P.P. for the State.

2. This is an application under section 438 of Code of Criminal Procedure, 1973 for anticipatory

bail. The applicants are apprehending their arrest in C.R.No.I-143/2007 registered with Panvel Town Police Station, Panvel for the offences punishable under sections 498-A, 406 and 323 of Indian Penal Code on the basis of the complaint filed by Sou.Yogita Vijay Naik.

3. The learned counsel appearing for the applicants submits that marriage of the complainant and applicant No.1 took place on 1st May, 2004. The complainant-wife left matrimonial home on 19th April, 2005. F.I.R. was lodged on 11th April, 2007. He further submits that there is a matrimonial dispute between husband and wife and, therefore, the allegations are made out of vengeance. He further submits that as per the complainant the applicant No.1 is supposed to be in possession of gold ornaments of about Rs.20,000/-. He submits that applicant No.1 is ready and willing to deposit Rs.25,000/- with the investigating officer.

4. In the above backdrop, on being asked, the learned A.P.P., appearing for the State, could not justify as to why the custody of the present applicants is necessary. Even learned counsel for the complainant also could not justify the same.

5. In the above view of the matter, I am inclined

to grant pre-arrest bail in favour of the applicants, subject to the following conditions:

(a) In the event of arrest of the applicants in connection with C.R.No.I-143/2007 registered with Panvel Town Police Station, they shall be released on bail of Rs.10,000/- each with one or two sureties to make up the said amount.

(b) The applicants shall report to Panvel Town Police Station as when called and shall co-operate with the investigating agency.

(c) Deposit of Rs.25,000/- with the invsetigating officer is condition precedent for grant of bail.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(f) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

6. Application stands disposed of accordingly.

JUDGE